

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, NOVEMBER 16, 2005**

UNAPPROVED
JANUARY 9, 2006

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:21 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Lusk MOVED THAT THE JOINT PUBLIC HEARING ON RZ 2005-LE-010, FDP 2005-LE-010, RZ 2004-LE-043, AND FDP 2004-LE-043, EASTWOOD PROPERTIES, INCORPORATED, BE DEFERRED TO A DATE CERTAIN OF JANUARY 25, 2006.

Commissioner Byers seconded the motion which carried unanimously.

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2232-L05-8 - OMNIPOINT COMMUNICATIONS CAP OPERATIONS LLC (Decision Only)
(The public hearing on this application was held on November 9, 2005. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION FIND THE PROPOSAL BY OMNIPOINT COMMUNICATIONS CAP OPERATIONS LLC, 2232-L05-8, AS AMENDED, TO CONSTRUCT A TELECOMMUNICATIONS FACILITY AT LEE DISTRICT PARK, LOCATED AT 6601 TELEGRAPH ROAD, SUBSTANTIALLY IN ACCORD WITH PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN AND *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Lawrence seconded the motion which carried unanimously.

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CHESAPEAKE BAY PRESERVATION AREA MAP STREAM SEGMENT ON CRIMMINS LANE (TM 41-1), Dranesville District (Decision Only)

(The public hearing on this application was held on June 16, 2005. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED AMENDMENT TO THE MAP OF THE CHESAPEAKE BAY PRESERVATION AREAS, AS SET FORTH IN THE ORIGINAL STAFF REPORT DATED MAY 9, 2005, SPECIFICALLY REFERENCING THE CRIMMINS LANE SUBSECTION, 780 FEET ON MAP 41-1, AS A PERENNIAL STREAM.

Commissioners Alcorn and Hart seconded the motion which carried unanimously.

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APR 05-IV-7S (Braddock District)

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION ACCEPT THE WITHDRAWAL OF APR 05-IV-7S.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. ZONING ORDINANCE AMENDMENT (AFFIDAVITS)
2. PCA 1999-SU-054 - BOARD OF SUPERVISOR'S OWN MOTION
3. RZ 2005-SP-012 - JEFFREY A. GOLDBERG, MANAGER OF BO-BUD RESIDENTIAL, LLC

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT (AFFIDAVITS) - To amend Chapter 112 of the 1976 Code of the County of Fairfax, as follows: In

accordance with §15.2-852 of the *Code of Virginia*, revise the affidavit submission requirements to no longer require affidavits for an application to amend the Zoning Map when such amendment constitutes a comprehensive zoning plan or an ordinance applicable throughout the County. Copies of the full text are on file and may be reviewed at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035. For the convenience of the public, access to the full text will also be available for review at the County's website, www.fairfaxcounty.gov/dpz under the Zoning heading by clicking on Pending Zoning Ordinance Amendments. COUNTYWIDE. PUBLIC HEARING.

Jack Reale, Zoning Administration Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the proposed amendment.

Chairman Murphy called for speakers but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no comments or questions from the Commission and staff had no closing remarks; therefore, he closed the public hearing and recognized Commissioner Hart for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT ADOPT THE ZONING ORDINANCE AMENDMENT REGARDING AFFIDAVIT REQUIREMENTS IN ACCORDANCE WITH THE LANGUAGE THAT HAS BEEN ADVERTISED AND IS CONTAINED IN THE STAFF REPORT DATED OCTOBER 17, 2005.

Commissioner Hopkins seconded the motion which carried unanimously with Commissioner Byers not present for the vote.

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PCA 1999-SU-054 - BOARD OF SUPERVISOR'S OWN MOTION - Appl. to amend the proffers for RZ 1999-SU-054 previously approved for residential development to permit removal of an existing temporary cul-de-sac to provide permanent through connection. Located at the terminus of Lowe St. at Vernacchia Dr. on approx. 3.42 ac. of land zoned PDH-3 and WS. Comp. Plan Rec: 3-4 du/ac. Tax Map 34-4 ((21)) (2) D. SULLY DISTRICT. PUBLIC HEARING.

Connie Higgins, Secretary for Chantilly Green Homeowners Association, Inc., reaffirmed the affidavit dated November 6, 2005. There were no disclosures by Commission members.

Jonathan Papp, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Ms. Higgins expressed support for the removal of the barrier because it was unsightly and prevented access by emergency vehicles.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Hubert Allen Higgins, 3761 Vernacchia Drive, Chantilly, submitted photographs of the barrier for the record. He spoke in support of the application because removal of the barrier would allow access by emergency vehicles, improve the appearance of the neighborhood, and facilitate mail delivery.

There were no more speakers, no comments or questions from the Commission, and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 1999-SU-054, SUBJECT TO THE PROFFERS DATED NOVEMBER 1, 2005.

Commissioners Alcorn and Lusk seconded the motion which carried unanimously.

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The next case was in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Vice Chairman Byers.

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RZ 2005-SP-012 - JEFFREY A. GOLDBERG, MANAGER OF BO-BUD RESIDENTIAL, LLC - Appl. to rezone from R-1 and WS to R-2 and WS to permit cluster residential development at a density of 1.40 dwelling units per acre (du/ac). Located in the S.W. quadrant of the intersection of Lincoln Dr. and Westbrook Dr. on approx. 5.05 ac. of land. Comp. Plan Rec: Fairfax Center area 2 du/ac at the overlay. Tax Map 55-2 ((3)) R3. SPRINGFIELD DISTRICT. PUBLIC HEARING.

John McBride, Esquire, with Vanderpool, Frostick & Nishanian, PC, reaffirmed the affidavit dated April 29, 2005. There were no disclosures by Commission members.

Carrie Lee, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

In response to a question from Vice Chairman Byers, Ms. Lee explained that lots 1 and 2 were open, grassy areas and lots 3, 5, 6, and 7 were treed areas, as shown on the Generalized Development Plan (GDP).

Mr. McBride stated that the application had three design objectives resulting from meetings with the community: to preserve and restore an existing pond that had been maintained by Ethel Conlisk, previous owner of the property, which had become an informal community amenity; to ensure that the sizes of the lots and houses would be compatible with the surrounding neighborhood, noting that the proposed density was lower than the adjacent neighborhood; and to utilize the existing topography and save trees that had been planted by Ms. Conlisk over the past 40 years. Mr. McBride said there were tightly worded tree save and limits of clearing proffers to ensure the survival of the trees. He stated that the applicant had addressed staff concerns about the orientation of the houses and their proximity to the trees. He said the applicant had met with representatives of the surrounding community, who supported the application and appreciated the efforts to save the pond and establish it as a community amenity. He noted that the applicant had proffered the addition of trails around the pond, which would be open to the public. He indicated that the Springfield District Fairfax Center Land Use Committee had recommended approval of the application.

Commissioner Murphy thanked the applicant for working with the community to preserve the pond in Ms. Conlisk's memory, noting that the proposed development would be called, "Ethel's Pond." He pointed out that the Chesapeake Bay Commission supported the proposal for the pond.

Responding to questions from Commissioner Hart, Mr. McBride explained that the 100-foot building restriction line depicted on the GDP would be removed, noting that it was not a Zoning Ordinance restriction, but an old covenant from a previous subdivision. He indicated that the applicant would specify the curb-cut access on Westbrook Drive on the GDP.

Vice Chairman Byers called the first listed speaker.

Stacy Castro, 5132 Gagne Court, Fairfax, representing Millie Schoepe, President of the Westbrook Civic Association, spoke in favor of the application due to the consideration of input from the surrounding community, preservation of the pond, and improved character of the community. She noted that an issue regarding the width of Westbrook Drive would need to be addressed by the Virginia Department of Transportation (VDOT).

Mr. McBride responded to questions from Commissioner Wilson about the proposed sidewalk along the proposed lots fronting the cul-de-sac.

In response to questions from Commissioner Lawrence, Ms. Lee said she did not know what the actual cost would be to maintain the pond each year, but noted that the one-time contribution of \$5,000 by the applicant to the homeowners association would establish the fund. Mr. McBride pointed out that the pond would not require the same level of maintenance as a stormwater management facility and said he believed the cost to maintain it would not be significant.

Glen Adams, 13022 Dunhill Drive, Fairfax, asked whether there would be fencing between the proposed development and the existing neighboring community. Mr. McBride replied that there would be six-foot high, solid wood, board-on-board fence between the proposed development and the abutting properties to the west and the south.

There were no more speakers, no further comments or questions from the Commission, and staff had no closing remarks; therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Murphy for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2005-SP-012, SUBJECT TO THE PROFFERS DATED NOVEMBER 9, 2005.

Commissioners Hall and Koch seconded the motion which carried unanimously.

Commissioner Murphy MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DIRECT THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO APPROVE A MODIFICATION OF THE SIDEWALKS IN TWO LOCATIONS TO THAT SHOWN ON THE GDP, ALONG THE WEST SIDE OF LINCOLN DRIVE AND ALONG THE WEST SIDE OF THE PROPOSED CUL-DE-SAC.

Commissioners Hall and Koch seconded the motion which carried unanimously.

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Chairman Murphy resumed the Chair and adjourned the meeting.

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The meeting was adjourned at 9:10 p.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

CLOSING

November 16, 2005

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved on: _____

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission